

Frederick County Planning Commission

Meeting Minutes

October 21, 2009

COMMISSION MEMBERS PRESENT:

Joseph Brown
Richard Floyd
Kai Hagen, BoCC Liaison

Catherine Forrence, Chair
Audrey Wolfe
Robert White, Vice Chair

COMMISSION MEMBERS ABSENT:

John McClurkin, Secretary

PLANNING STAFF PRESENT:

Eric Soter, Director
Mark Depo, Deputy Director
Gary Hessong, Director
Larry Smith, Zoning Administrator
Shawna, Lemonds, Project Manager

John Dimitriou, Planner
Michael Chomel, Sr. Asst. County Attorney
Kathy Mitchell, Asst. County Attorney
Stephen O'Philips, Principal Planner,
Ron Burns, Traffic Engineer

9:30 A.M.

MORNING SESSION

CHAIR FORRENCE BROUGHT THE MEETING TO ORDER AT 9:30 AM.

1) PLANNING COMMISSIONCOMMENTS

Chair Forrence made reference to the memo drafted by Director Soter to the BoCC regarding principal and accessory structure uses permitted in the Ag and RC district. There was a [General Consensus](#) by FcPc to approve and forward the memo to the BoCC.

Commissioner White sought to rescind last week's vote on the **Solid Waste Management Plan** Finding-of-Inconsistency with the comprehensive plan. [TS - 00:01:07](#) Attorney Chomel briefed the FcPc clarifying "rescinding a motion" and what constituted a vote quoting from *Robert Rules of Order* – discussion followed. (*Briefing was delivered to FcPc between Agenda Item 7 & 8*). [TS - 04:25:09](#)

MOTION: Commissioner Floyd made a motion that the finding of inconsistency with [the comprehensive plan from last week's vote regarding] the **Solid Waste Management Plan's** be rescinded.

Floyd / 2nd Wolfe – Failed 3-3-1-0

Yea - 3 (Floyd, White, Wolfe), Nay - 3 (Brown, Forrence, Hagen), Absent - 1 (McClurkin), Abstain - 0
([Briefing and approval occurred later in meeting between Agenda item 7 & 8](#)) [TS - 04:30:09](#)

2) AGENCY COMMENTS/AGENDA BRIEFING

None

3) MINUTESAPPROVAL

A) September 16, 2009 AM FcPc Meeting – Approved - 6-0-1-0 - **MOTION: White/ 2nd Brown**
Yea - 6 (Brown, Floyd, Forrence, Hagen, White, Wolfe), Nay - 0, Absent - 1 (McClurkin), Abstain - 0

B) September 16, 2009 PM FcPc Meeting – Approved - 6-0-1-0 - **MOTION: White/ 2nd Brown**
Yea - 6 (Brown, Floyd, Forrence, Hagen, White, Wolfe), Nay - 0, Absent - 1 (McClurkin), Abstain - 0
([Changes were noted and approval given when FcPc reconvened after lunch.](#)) [TS - 04:04:23](#)

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4) ZONING TEXT AMENDMENTRECOMMENDATION

- A) [Administration and Enforcement \(ZT-09-05\)](#) (Public Hearing) *Eric Soter, Shawna Lemonds*
TS - 00:08:11

The proposed zoning ordinance text amendment is intended to amend certain sections of the Frederick County Code (Zoning Ordinance) concerning Administration and Enforcement to reduce duplication, provide consistency with recently adopted text amendments, as well as to reorganize and edit existing text to reflect current policy and practice regarding the administration and enforcement process & procedures.

Planner Lemonds summarized the sequence of meetings and work sessions held leading up to the recommendations highlighted in today's public hearing documents; she then reviewed recommended text amendments included in ZT-09-05. Various issues and concerns were discussed during the presentation that allowed FcPc a more clear understanding of the proposal and to provide changes for considerations.

Comments and concerns discussed included: concern for landowners; citizens' rights and the process to recommend changes to a text amendments; clarify language i.e. "act"; Director Soter noted that this amendment was not a mechanism to deal with map errors; zoning map amendment use-it-or-lose-it provision is being eliminated; non-conforming structures and uses change clarification.

MOTION: Commissioner Brown made a motion to recommend Approval of Text Amendment ZT-09-05 to the Board of County Commissioners. TS - 0:42:21

Brown / 2nd White – Approved 5-0-2-0

Yea - 5 (Brown, Floyd, Forrence, White, Wolfe), Nay - 0, Absent - 2 (Hagen, McClurkin), Abstain - 0

5) EDUCATION FACILITIES MASTER PLAN FINDING-OF-CONSISTENCY

- A) [Board of Education \(BOE\) Approved Master Plan](#) The [Division of Planning will present a summary of the FY 2011-2016 Education Facilities Master Plan for review](#) and a finding of consistency by the Planning Commission. (John Dimitriou and Ray Barnes)

Planner Dimitriou noted that a summary of the Plan was presented in the Staff Report and included a General Comments Section that highlighted the differences in the current CIP and the proposed CIP. Staff recommends that the Frederick County Planning Commission (FcPc) find the 2009 Superintendent's Recommended Educational Facilities Master Plan consistent with the County's Comprehensive Plan.

Ray Barnes, Frederick County Public Schools Facilities Services Executive Director, fielded question from FcPc including: what elementary schools were in the feeder pattern for the proposed annexation of Frederick City and the impact; plans for school demolition, reconstruction, and renovations; projected enrollment, capacity utilization, overcrowding, and construction schedule; Director Barnes noted that birth tracking to existing population showed enrollment projections will increase even without housing development increasing. State growth projections were also provided.

Discussion also included: ratings of schools - new buildings vs. existing *older* school buildings (physical - *meeting ADA requirements* & functional - *meeting curriculum standards of the future*); technology; land size policy compliance; leasing vs. building; CTC; feeder school patterns; capital improvement policies & energy reduction/efficiency goals; state funds; COMAR procedure/policy for unused schools.

MOTION: Commissioner Wolfe made a motion for a Finding-of-Consistency. TS - 01:12:57

Wolfe / 2nd Brown – Approved 5-0-2-0

Yea - 5 (Brown, Floyd, Forrence, White, Wolfe), Nay - 0, Absent - 2 (Hagen, McClurkin), Abstain - 0

Break 10:45 – 10:55

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6) ZONING TEXT AMENDMENT INFORMATIONAL (Rescheduled from September 16th Meeting)

- A) [Parking, Landscaping, and Lighting Draft Text Amendment](#) The Division of Planning presented a summary of the proposed Parking, Landscaping, and Lighting Draft zoning text amendment for review, and comment by the Planning Commission. (Mark Depo, Shawna Lemonds)

Planner Lemonds recapped the staff report & exhibits - summarizing/presenting the proposed text amendment. Comments from DPDR were noted, addressed later in today's review.

11:00 Kai Hagen arrived

Clarifications were made during the presentation on topics such as: background and formulas used for this amendment were established based on staff experience and a review of surrounding jurisdictions; Planning Commission request to expand "construction of impervious materials" statement; flexibility vs. standards - regarding the number of spaces per 1000 sq. ft, etc.; flexibility in the parking space and drive aisle dimension standard i.e., Tractor Mart and trucks pulling horse trailers; economic reality; Assistant Deputy Director Depo explained the sequence of "standards" used in the policy and flexibility.

Comments and outstanding issues were noted; DPDR Planner O'Philips commented on the need for flexibility to evaluate type-of-use, density, and the environment; the need to allow engineering professional & the applicant to work directly with the staff on case-to-case basis and to prevent misuse; Traffic Engineer Burns commented on the lack of a design manuals to set the standard and allow for broader flexibility but cover environmental, safety, or traffic efficiency (should, shall, & need to do). Items that were also discussed included parking bay width & aisle width.

There was a **General Consensus** from FcPc to allow DPDR & Planning Staff to develop/compromise on specific language to apply flexibility in standards to cover environmental, safety and traffic efficiency regarding parking space and drive aisle dimension standards.

Strategies to address compact car parking were discussed. Additional parking related issues and considerations were discussed. Discussions on landscaping issues were begun. There was a **consensus** to continue review of the text amendment this afternoon at the end of the rest of the scheduled agenda.

Public Comment:

- Krista McGowan

Lunch Break 12:40 - 1:35

AGENDA ITEM 3). MINUTES (continued from morning session) **Motion & Vote noted earlier** - TS - 04:04:23

7) SITE PLAN APPROVAL

- A) [Mullinix Agro Industrial, Lot 4](#) (Continued from the December 10, 2008 and April 8th FcPc Meetings) Requesting approval for Contractors, Equipment and Material Storage Yard on the east side of the property and a Salvage Yard on the west side of the property on 5.4 total acres on the north side of Agro Drive. Zoned: General Industrial in the Adamstown Planning Region. Tax Map 94 / Parcel 85. File #SP 79-18, AP# 8686, Stephen O'Philips

All parties and Staff wishing to give testimony in this matter were sworn in.

STAFF FINDINGS/RECOMMENDATIONS:

Stephen O'Philips, DPDR, presented the Staff Report.

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Findings:

The Applicant proposes to develop Tax Map 94/Parcel 85 (Lot 4) as a "Contractors, equipment and material storage yard" on the eastern half of the site and "Salvage yard" on the western half of the site. The Applicant is requesting:

- Site Plan approval (AP # 8686)
- APFO approval (AP # 8689)
- FRO Approval (AP # 8689)

The Staff finds that:

- 1) Both proposed uses on the site are appropriate according to the Zoning Ordinance § 1-19-6.100 Use Table and the Zoning Administrator supports the assignment of "Salvage yard" for the western half of the property.
- 2) The building proposed for the eastern portion of the Site Plan meets the dimensional bulk standards of the Zoning Ordinance.
- 3) The Maryland Department of the Environment (MDE) State Groundwater Discharge Permit Division, via the local Health Department--not County Agencies--has review authority over all discharge permits required for this use.
- 4) The Applicant has obtained two required MDE discharge permits:
 - a) One for the building (Permit 09-DP3675 and MD00700700), which is discharging rinse water from the dumpsters into an underground septic system. This permit also contains a requirement to implement a Storm-water Pollution Prevention Plan (SPPP) for the storage of wrecked vehicles on the western portion of the site; and
 - b) Another for a modified Groundwater Discharge Permit.
- 5) Site Plan approval can only be given for a three-year period. If approved on October 14, 2009, the expiration date for the site plan would be October 14, 2012. Vesting of the Site Plan by "Start of Construction" prior to October 14, 2012 would be required to continue the Site Plan validity.
- 6) A dry storm water management pond is not required by the MDE. Also, it is undetermined whether or not a dry SWM pond would be beneficial with regard to pollution control, because the "science" of the ecology of SWM in this case falls more toward an "art" than a science. It may be that converting the dry pond back to a forested buffer would provide superior ground absorption of storm water and pollutants. The DPDR Engineering and Planning Staff weighs in favor of not providing a pond and converting the area back to forest buffer.
- 7) The priority areas on site are proposed to be fully protected with FRO plantings, preservation and easements. However, given the nature of this application, consideration should be given to requiring full forest legal document execution prior to Site Plan signature.
- 8) There are no APFO failures caused by the proposed development and the required contribution to the existing escrow accounts within the site development impact area would be \$0.00. The APFO can be granted for a three-year approval period, the same period for which the Site Plan can be approved.
- 9) Based upon the discussion in this report, the Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendation:

Should the Planning Commission conditionally approve this Site Plan SP 79-18 (AP# 8686) for the proposed Wright Away Refuse Building on the eastern portion and the Salvage Yard for wrecked vehicle storage on the western portion of the site, the motion for approval should include the following items:

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- Approval of the APFO (AP# 8687) for up to three years
- FRO approval (AP # 8689)

Then, Staff would recommend that the following item be added as a condition of approval:

- 1) Convert the dry pond back to forest buffer area.
- 2) Fully execute all forest legal documents prior to Site Plan signature.
- 3) Comply with Agency comments as this project moves through the development process, including but not limited to:
 - a) Miscellaneous drafting corrections; and
 - b) Resolving Health Department issues – No corrections at this time.

Discussion:

Commissioner Brown asked for clarification regarding meeting storm water management requirements at this site. Planner O'Philips noted that the reduction of impervious surface by 20% is deemed to meet the "storm water management" requirements.

Applicant Presentation:

- Mr. Bruce Dean, Esq. representing the applicant

Public Comment:

N/A

Rebuttal:

N/A

Decision:

MOTION: Commissioner Brown made a motion to conditionally approve this Site Plan SP 79-18 (AP# 8686) for the proposed Wright Away Refuse Building on the eastern portion and the Salvage Yard for wrecked vehicle storage on the western portion of the site, the motion for approval included the Approval of the APFO (AP# 8687) for up to three years and FRO approval required (AP # 8689) and to include all staff findings. *TS - 04:22:54*

Brown / 2nd White – Approved 6-0-1-0

Yea - 6 (Brown, Floyd, Forrence, Hagen, White, Wolfe), Nay - 0, Absent - 1 (McClurkin), Abstain - 0

AGENDA ITEM 1). PLANNING COMMISSION COMMENTS *(continued from morning session)* **Solid Waste Management** - In depth discussion occurred. Attorney Chomel briefed the FcPc clarifying "rescinding a motion" and what constituted a vote quoting from *Robert Rules of Order*. *Motion & Vote noted earlier - TS - 04:25:09*

8) COMBINED PRELIMINARY / SITE PLAN..... APPROVAL

- A) Lehigh Cement/Union Bridge Quarry Requesting approval of a revision to the previously approved Preliminary/Site Plan to change the temporary traffic control measures for a temporary truck crossing on Clemsonville Road from flaggers to a temporary traffic signal. Located along the west side of Clemsonville Road between Fountain School Road and Lehigh Road. Zoned: Agricultural (AG) and Mineral Mining (MM), Walkersville Planning Region. Tax Map 44 / Parcels 5 and 7. File# SP 07-22, AP# 9952, Ron Burns

All parties and Staff wishing to give testimony in this matter were sworn in.

STAFF FINDINGS/RECOMMENDATIONS:

Ron Burns, Traffic Engineer, DPDR presented the Staff Report.

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Findings:

Based upon the discussions in this report and with the conditions listed below, Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO, and FRO requirements once all Staff and agency comments and conditions are complied with or mitigated. Staff has no objection to the conditional approval of the revisions to the previously approved plan.

Recommendation:

Should the FcPc approve the revision to the combined preliminary/site plan (SP#07-22, AP 9952) for the use of traffic signals in lieu of flaggers, the following items should be included in the motion;

- 1) Site plan approval for a period of two years from the date of the original approval (AP 6817, October 8, 2008).
- 2) Preliminary plan approval for a period of five years from the date of the original approval (AP 6817, October 8, 2008).

Staff recommends that the conditions attached to the original approval (AP 6817) be added as conditions to the approval, with the exception of condition number 4, which is modified below:

- 1) Applicant shall continue to address all agency comments through the completion of this project.
- 2) Prior to the issuance of a zoning certificate, copies of all State of Maryland permits must be submitted to the Zoning Administrator in order that any conditions placed on the permits can be incorporated into the conditions under which the zoning certificate was issued. In addition, any conditions placed on renewed permits shall also be submitted in order to determine if they also should be made conditions of the zoning certificate.
- 3) Prior to the approval of the combined preliminary/site plan application, a final forest plan must be submitted and approved. Prior to the approval of the improvement plans for the road realignment, FRO mitigation must be provided.
- 4) For the temporary road crossing across Clemsonville Road, the ~~flagger~~ signal signs must be covered when the ~~flagger~~ signal is not in place operation, ~~and all warning signs and rumble strips shall be removed when the temporary crossing is closed.~~
- 5) All five of the conditions attached to Ordinance No. 08-06-482 must be satisfied before the physical closure of the portion of Clemsonville Road.

Discussion:

Specifics of the detection mechanism in the temporary traffic signal were questioned and clarified.

Applicant Presentation:

- Mr. Severn, Esq. representing the applicant

Public Comment:

N/A

Rebuttal:

N/A

Decision

MOTION: Commissioner White made a motion to remove [from findings previously approved] the references to traffic control by signal or by flagger from the combined Preliminary/Site Plan on SP 07-22 (AP#9952). [TS - 05:07:35](#)

White / 2nd Brown – Approved 5-1-1-0

Yea - 5 (Brown, Forrence, Hagen, White, Wolfe), Nay – 1 (Floyd), Absent – 1 (McClurkin), Abstain – 0

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9) SITE PLAN.....APPROVAL

- A) Preston, Section 2 and Mains Heights (Continued from the August 12th FcPc meeting) Requesting approval of joint application for age-restricted community for 146 lots (74 single-family and 72 townhouses) on 47.4 acres, located on Broad Branch Way and west of Mains Lane. Zoned R-3 Residential in the New Market Planning Region. Tax Map 78 / Parcel 243 and 79/81, respectively. File# S-1010, AP# 9230, Stephen O'Philips

All parties and Staff wishing to give testimony in this matter were sworn in.

STAFF FINDINGS/RECOMMENDATIONS:

Stephen O'Philips, DPDR, presented the Staff Report including proposed phasing schedule.

Findings:

The Applicants propose to develop two sites [Tax Map 78/Parcels 243 & 681 (Preston, Section 2) and Tax Map 79/Parcel 81 (Mains heights)] with 74 single-family lots, 72 townhouse lots (20 of the 72 will be MPDU's), a 2,930 sq. ft. clubhouse and open space and recreational amenities. The Applicants are requesting:

- Site Plan Approval (AP # 9230)
 - Loading Space modification (AP # 9230)
- 1) The site plan approval can only be given for a three-year period, or until October 14, 2012. The recent Extension Legislation passed by the BOCC will not apply to this approval because this approval is after the July 25, 2009 applicability date. Vesting of the Site Plan by "Start of Construction" prior to October 14, 2012 would be required to continue the Site Plan validity.
 - 2) Both Preliminary Plats should be completed and signed before signature of this Site Plan in order to maintain the normal sequencing of development review applications.
 - 3) Both APFO Letters of Understanding should be placed on the CONSENT AGENDA (and signed) prior to this Site Plan being signed. Both APFO approvals are valid until September 12, 2013.
 - 4) Final Forest Conservation Plans should be reviewed and signed prior to Improvement Plan signature, but ideally, prior to Site Plan signature.
 - 5) The County Attorney's Office finds that the covenants presented as a part of this Site Plan application are sufficient to meet the requirements of the APFO that are applicable to projects with Preliminary Plat approval dates prior to July 17, 2008.
 - 6) The Site Plan design meets the various requirements listed under § 1-20-7 (F) for age-restricted communities, including the specific conditions listed under § 1-20-7 (F) (4) for active recreation space.
 - 7) Based upon the discussion in the report, the Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendation:

Should the Planning Commission approve this Site Plan SP 07-10 (AP# 9230) for an age-restricted community of 74 single-family lots, 72 townhouse lots (20 of the 72 will be MPDU's), a 2,930 sq. ft. clubhouse and open space and recreational amenities, the motion for approval should include the following:

- Modification to § 1-19-6.210(A) for Loading Space requirement

Then, Staff would recommend that the following items be added as conditions of approval:

- 1) Work with Staff to obtain Final Forest Conservation Plan completion for both projects prior to Improvement Plan signature, but preferably prior to Site Plan signature.

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- 2) Comply with Agency comments as this project moves through the development process, which shall include but not be limited to, providing corrections to the MPDU notes, setback drafting and road station points.

Discussion:

When asked by FcPc Planner O'Philips commented on the association's letter addressed to FcPc regarding size of lots and construction traffic. He clarified that this site plan approval request did not involve the size of lots and noted that Mr. Fitzgerald would provide details regarding the traffic issues.

The construction traffic was discussed further along with phasing schedule of amenities and threshold benchmarks. Additionally discussed were restricted convenience; location of tennis court, club house and walking trails; and phasing based on recordings & U&Os; Attorney Mitchell clarified compliance with APFO requirements.

Applicant Presentation:

- Mr. Fran Zeller - Harris, Smariga, representing the applicants,
- Mr. Bert Newcomer, and
- Mr. Jim Fitzgerald

Applicant was questioned on apron construction fabric and construction traffic. Directory Hessong commented on use and occupancy benchmark standards and tying to a building permit threshold number. (25 for clubhouse and 50 other amenities)

Public Comment:

- Mr. Jarosik, Association president
- Clara Winehoff, past president of association

Rebuttal:

Mr. Fitzgerald commented on posting a sign addressing deaf residence presence; sharing of amenities, tot-lot location, size of lots, and style of houses.

Planner O'Philips interjected that the size of the lots was a sub-division issue that has already been approved and not of issue in this approval request.

Decision:

MOTION: Commissioner Brown made a motion to approve the application SP 07-10 (AP#9230) subject to staff findings and conditions and to include the following Proffers:

- 1) Construct the clubhouse (and obtain Use and Occupancy Permit) prior to the 25th building permit being issued for houses; and
- 2) Construct all other amenities prior to the 50th building permit being issued for houses.

Proffers:

- 3) Providing signage for hearing impaired family; and
- 4) Providing signage for barring construction traffic from using the main entrance of Preston, Section 1. [TS - 06:09:56](#)

Brown / 2nd White - Approved 6-0-1-0

Yea - 6 (Brown, Floyd, Forrence, Hagen, White, Wolfe), Nay - 0, Absent - 1 (McClurkin), Abstain - 0

- - -

Break 3:40 - 3:47

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10) MISCELLANEOUS ITEMSAPPROVAL

Main's Heights (Continued from the August 12th FcPc meeting) Requesting modification of a 2007 condition of Preliminary Plat approval. Altered design with clubhouse for 59-lot subdivision (30 single-family and 29 townhouses) on 16.7 acres. Zoned: R-3 Residential, located west side Mains Lane, north side Bartonsville Road. Tax Map 78 / Parcels 243 & 681. File# S-002, AP# 4331, Stephen O'Philips

All parties and Staff wishing to give testimony in this matter were sworn in.

STAFF FINDINGS/RECOMMENDATIONS:

Stephen O'Philips, DPDR, presented the Staff Report

Findings:

The Applicants request a modification of Condition #1 from the original September 12, 2007 FcPc re-approval in order to provide the flexibility to make the five itemized changes recommended by DPDR Staff. The Staff finds that:

- 1) The original 2006 Preliminary Plat approval expired on April 12, 2009, but received a three-year extension to April 12, 2012 because of the recent Frederick County Extension Ordinance.
- 2) The five itemized changes requested by DPDR Staff provide an improved functioning and safety of the public road layout; are beneficial in creating more space on the southern end of the property to preserve forest; and provide a more coherent single-family lot layout along Jacob's View Pass.
- 3) With minor drafting corrections and additions, Preliminary Forest Conservation Plan completion and LOU approval, the Preliminary Plat is ready to be signed.
- 4) Based upon the discussion in the report, the Staff finds that the application meets and/or will meet all applicable Zoning, Subdivision, APFO and FRO requirements once all Staff and Agency comments and conditions are met or mitigated. With certain conditions of approval added, the Staff offers no objection to approval.

Recommendation:

*The Staff recommends **approval** of the Applicant's request to modify the condition #1 of the 2006 FcPc approval to be amended as follows:*

- 1) FcPc approved a note to be placed on the Preliminary Plat indicating that this Preliminary Plat approval gives authority to change lot placements and street and road design on the south and north side of Jacob's View Pass¹ as the project moves through the Site Plan development review phases.

¹"Jacob's View Pass" road name has been changed to "Barts Street" with the Site Plan application and this revised Preliminary Plat.

Discussion:

Planner O'Philips responded to questions from FcPc including topics MPDU being separated not grouped;

Applicant Presentation:

N/A

Public Comment:

N/A

Rebuttal:

N/A

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Decision:

MOTION: Commissioner White made a motion of approval of the modification of conditional approval for Main Sites (File S-002, AP#4331) including staff findings and recommendation. [TS - 06:24:57](#)

White / 2nd Brown – Approved 5-0-2-0

Yea - 5 (Brown, Floyd, Forrence, White, Wolfe), Nay – 0, Absent – 2 (Hagen, McClurkin), Abstain – 0

AGENDA ITEM 6). (*continued from morning*) ZONING TEXT AMENDMENT..... INFORMATIONAL **Parking, Landscaping, and Lighting Draft Text Amendment**

Planner Lemonds continued her presentation of the proposed text amendment starting at: Buffering and Screening (pg 15).

There were discussions on topics such as: excessive screening/landscaping that inhibits visibility; plant height restrictions – inhibiting sight for driving but reducing heating of impervious surfaces; specific language to set standards/describe opaque fencing to be esthetically pleasing. Additionally, falling leaves on the road and safety issues was brought up. Planner Lemonds reminded FcPc that this was not a landscape manual and did not cover a number of the issues they were raising. Attorney Chomel noted issues and possible liability to the County for enforcing cleaning of leaves when they require trees to be planted in the site plan.

Lighting

Commissioner White questioned action that could be taken to shield dangerous light glare from pole lighting. Also discussed were pole height requirements. Planner Lemonds noted, according to subsection G (page 19), FcPc could modifying lighting standards where the applicant can demonstrate need - based on characteristics of proposed use, national recognized standards, or documentation approved by the commission. **FcPc agreed** on a pole height of: commercial 18' and Industrial 24' with the ability to be raised.

Changes recommended for refuse and recycling requirements were noted.

***** ADJOURNED MEETING AT 4:29 *****

Respectfully Submitted,

Catherine Forrence, Chair

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